



Docket No.: 6871.01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 12, 2004.

Richard B. Klar

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: HORNSBY et al.

Serial No.: 09/941,473

Examiner: Faye Francis

Art Unit: 3712

Filed: August 29, 2001

For: **BUBBLE MAKING AMUSEMENT DEVICE**

REQUEST FOR RECONSIDERATION

August 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Decision on Petition dismissing the Petition mailed Aug. 3, 2004,
applicant respectfully submits

corrected formal drawings for FIGS., 1-3 as required by the Notice of Draftsman's Patent Drawing Review and a change of correspondence form.

It is respectfully requested that the petition be granted and the application passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard B. Klar", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'R' at the beginning.

Richard B. Klar

Reg. No. 31,385

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UNITED STATES PATENT AND TRADEMARK OFFICE *Trendmasters*

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50 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402-1498

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OFFICE OF PETITIONS

In re Application of
 James R. Hornsby et al
 Application No. 09/941,473
 Filed: August 29, 2001
 Attorney Docket No. 6871.01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, the drawings submitted on July 14, 2004 were objected to by the draftsperson. A Notices of Draftsperson's Patent Drawing Review (PTO-948) are attached. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

Further correspondence with respect to this matter should be addressed as follows:



Application No. 09/941,473

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By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
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By hand: Customer Window located at:

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Arlington, VA 22202

By fax: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: PTOL-85(b)